

REMARKS/ARGUMENTS

The Official Action dated 02 May 2006 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedure and relevant decisional law.

Claim 17 is rejected as being the exact duplicate of claim 16. Any rejection set forth directed to claim 16 would also be applied to claim 17.

In response, claim 17 has been deleted.

Claims 1, 5, 6, 12-15 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lin 6,189,242.

Claims 1, 2, 5, 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Starner 5,079,968 in view of Lin 6,189,242.

Claims 3, 7-8 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the reference as applied in paragraph 6 above in view of Walker et al. 5,682,689.

Claims 4, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the reference as applied in paragraph 7 above, in view of Schaudt et al. 6,754,984.

In light of the comments presented herein, Applicant has deleted claims 2-3 and 5 and has amended claim 1 to include the subject matters claimed in the originally filed claims 2-3 and 5. Claims 17-18 have been canceled. Accordingly, claims 1, 4 and 6-16 remain pending.

In paragraph 4 of the Official Action, the Examiner has rejected claims 1, 5, 6, 12-15 and 18 under 35 U.S.C. § 102(b) as being

anticipated by Lin 6,189,242; and in paragraph 6 of the Official Action, the Examiner has rejected claims 1, 2, 5, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Starner 5,079,968 in view of Lin 6,189,242. Further, in paragraph 7 of the Official Action, the Examiner has rejected claims 3, 7-8 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the reference as applied in paragraph 6 above in view of Walker et al. 5,682,689.

As such, if the amended claim 1 which includes the subject matters of the originally filed claims 1-3 and 5 is shown to overcome the § 103 rejection over Lin 6,189,242, Starner 5,079,968, and Walker et al. 5,682,689, claims 4 and 6-16 will necessarily overcome the rejection.

Actually, in Lin 6,189,242, a single cleat 50 is disclosed for attaching to a shoe and for coupling to a bicycle pedal. No other cleats have been disclosed for selectively or changeably attached to the shoe. In addition, no plates have been disclosed for selectively or changeably attached to the shoe.

In Starner 5,079,968, similarly, only a single bicycle shoe cleat 10 is disclosed for attaching to a shoe for coupling to a bicycle pedal. No other cleats have been disclosed for selectively or changeably attached to the shoe. In addition, no plates have been disclosed for selectively or changeably attached to the shoe.

Similarly, in Walker et al. 5,682,689, only rotating cleats 40 are disclosed for attaching to a shoe for coupling to a bicycle pedal. No other cleats have been disclosed for selectively or changeably attached to the shoe. In addition, no plates have been disclosed for selectively or changeably attached to the shoe.

By contrast, in Applicant's invention, as amended in the amended claims 1, 4 and 6-16, two plates (40, 41) are selectively or changeably attached to the shoe sole (10) for allowing the shoe to be either used as a roadway bicycle shoe or a mountain bicycle shoe. When the shoe is used as a roadway bicycle shoe, the shoe is not required to be disengaged from the bicycle pedal and is also not required to be engaged with the ground. However, when the shoe is used as a mountain bicycle shoe, the shoe is required to be disengaged from the bicycle pedal and is also required to be engaged with the soil or ground.

In addition, the first cleat member (30, 31) may be received or engaged in the opening (43) of the plates (40, 41), and may thus be protected by the plates (40, 41), for preventing the first cleat member (30, 31) from being damaged or hit or stricken onto the other objects.

Furthermore, in Applicant's invention, one or more further cleat elements (50) may further be provided and selectively attached to either the shoe (10) or to the extension (47) of the plate (42) for increasing the frictional force with the soil or ground.

The cited arts fail to teach a first cleat member (30, 31) detachably attached to a shoe sole (10), a first plate (40) and a second plate (41, 42) selectively attached to the shoe sole (10) and including an opening (43) to receive the first cleat member (30, 31), and simultaneously, one or more cleat elements (50) detachably attached to the shoe sole (10), for allowing the shoe to be either used as a roadway bicycle shoe or a mountain bicycle shoe. The applicant's invention is different from that of the cited

arts and has improved over the cited arts.

In view of the foregoing amendments and remarks, applicant respectfully submits that the present invention is patentably distinguishable over the cited arts and that the application is now in condition for allowance, and such action is earnestly solicited.

Courtesy and cooperation of Examiner STASHICK are appreciated.

respectfully submitted,

By: Charles E. Baxley

CHARLES E. BAXLEY

Attorney of Record

USPTO Reg. 20,149

90 John Street – Suite 309

New York, N.Y. 10038

TEL: (212) 791-7200

FAX: (212) 791-7276

Date: New York, N.Y.